

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,

*

Plaintiff

*

v.

*

Case No. 1:13-cv-03541-JFM

\$91,639.70 in U.S. CURRENCY,

*

Defendant

*

* * * * *

**CLAIMANTS' RESPONSE AND CONSENT TO
GOVERNMENT'S MOTION FOR FINAL ORDER OF FORFEITURE**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

NOW COMES ZAHEER AHMED, DERMIK AND AYDIN LLC, DERMIK INC., DERMIK LLC, JASRA INC., and SAHARA BUSINESS BROKERS INC., Claimants, by and through their attorneys Gregory A. Dorsey, Esquire, Darren H. Weiss, Esquire, and the law firm of Kelly | Dorsey, P.C., to file this Response and Consent to Government's Motion for Final Order of Forfeiture, and in support thereof state as follows:

1. That, on or about February 1, 2013, the Internal Revenue Service seized approximately Ninety-One Thousand Six Hundred Thirty-Nine and 70/100 Dollars (\$91,639.70) in United States currency belonging to Claimants (the "Seized Funds").

2. That the Government alleged—and Claimants have at all times expressly denied—that the Seized Funds were “currency transactions [structured] for the purpose of evading the reporting requirements of 31 U.S.C. § 5313, and the regulations promulgated thereunder.” According to the Government, from the period of time commencing January 3, 2012, and continuing through May 31, 2012, funds were deposited into one of four (4) bank accounts and said deposits constituted evidence of “structuring.”

3. That, despite the fact that the last purportedly “structured” transaction according to the Government’s Verified Complaint took place on May 31, 2012, the Government did not file its Verified Complaint for Forfeiture until November 22, 2013.

4. That, although the Government’s Verified Complaint was filed long after the one (1) year period following the date of the last alleged wrong, the Government’s Verified Complaint purported to rely upon 18 U.S.C. § 984.

5. That, concomitantly, on January 15, 2014, Claimants filed a Motion to Dismiss for Failure to State a Claim relying upon, *inter alia*, *United States v. \$8,221,877.16 in U.S. Currency*, 330 F.3d 141 (3d Cir. 2003), and averring that the Government was precluded from relying upon 18 U.S.C. § 984 given that the Verified Complaint was filed well after the one (1) year period set forth in the statute.

6. That, on April 11, 2014, the Court (Motz, J.) agreed with Claimants' assertions and entered an Order granting Claimants' Motion to Dismiss. The Court did, however, grant the Government leave to amend.

7. That, on April 25, 2014, the Government did so amend its Verified Complaint.

8. That, notwithstanding the filing of the amended Complaint, following the Court's April 11, 2014, Order, the parties engaged in settlement discussions, and in fact did reach a settlement.

9. That, a true and accurate copy of the parties' settlement agreement is attached to the Government's Motion for Judgment of Forfeiture as Exhibit 1.

10. That, Claimants concomitantly consent to the Government's Motion for Final Order of Forfeiture, which provides, *inter alia*, that a portion of the Seized Funds (\$57,733.01) be released to Claimants, and the remaining \$33,906.69 of the Seized Funds be forfeited to the Government.

WHEREFORE, Claimants respectfully request that this Honorable Court:

- A. GRANT the Government's Motion for Final Order of Forfeiture;
- B. ENTER the Final Order of Forfeiture appended to the Government's Motion for Final Order of Forfeiture as Attachment 2; and

C. GRANT such other and further relief as justice and this cause may require.

Respectfully submitted,

KELLY | DORSEY, P.C.

Dated: May 13, 2014

By: /s/ Gregory A. Dorsey, Esq.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of May, 2014, a copy of the foregoing Response and Consent to Government's Motion for Final Order of Forfeiture was electronically filed and thereby served upon:

Stefan D. Cassella, Esquire
Evan T. Shea, Esquire
Assistant United States Attorney
36 South Charles Street, 4th Floor
Baltimore, Maryland 21201

/s/ Gregory A. Dorsey, Esq.
Gregory A. Dorsey, Esquire